

Before the
Federal Communications Commission
Washington, D.C. 20554

MAILED
JUL 23 2007

In the Matter of

Petition of the Embarq Local Operating
Companies for Forbearance under 47 U.S.C.
§ 160(c) from Application of *Computer Inquiry*
and Certain Title II Common Carriage
Requirements

WC Docket No. 06-147

ORDER

Adopted: July 20, 2007

Released: July 20, 2007

By the Associate Chief, Wireline Competition Bureau:

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),¹ we extend by 90 days the date by which the petition requesting forbearance, filed by Embarq Local Operating Companies (Embarq),² shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.³

2. On July 26, 2006, Embarq filed a petition requesting that the Commission forbear from the mandatory application of Title II requirements regarding tariffs, prices, cost support, price caps, and pricing flexibility and from the application of the Commission's *Computer Inquiry* rules to broadband services offered by Embarq and similarly situated independent incumbent local exchange carriers (LECs).⁴

3. Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under section 10(a) within one year after the Commission receives it, unless the Commission extends the one-year period.⁵ The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of section 10(a).⁶

4. The petition under review raises significant questions regarding whether forbearance from application of Title II of the Act and the Commission's *Computer Inquiry* rules to Embarq's and other

¹ 47 U.S.C. § 160(c).

² See Petition of the Embarq Local Exchange Operating Companies for Forbearance under 47 U.S.C. § 160(c) from Application of *Computer Inquiry* and Certain Title II Common Carriage Requirements, WC Docket No. 06-147 (filed July 26, 2006).

³ 47 U.S.C. § 160(a).

⁴ Embarq Petition at 1. Embarq defines "broadband services" as "current and future transmission services offerings that are capable of providing 200 [kilobits per second (kbps)] in both directions, excluding DS1 and DS3 special access services and TDM-based services." *Id.* at 2.

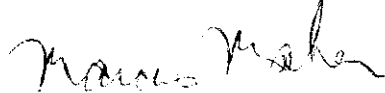
⁵ 47 U.S.C. § 160(c).

⁶ See, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, as amended*, CC Docket No. 98-65, Order, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).

similarly situated independent incumbent LECs' broadband services meets the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10(c).

5. Accordingly, IT IS ORDERED that, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291,⁷ the date on which Embarq's forbearance petition shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to October 24, 2007.

FEDERAL COMMUNICATIONS COMMISSION



Marcus Maher
Associate Chief
Wireline Competition Bureau

⁷ See 47 U.S.C. § 155(c).